After consideration on the merits, the Committee recommends the following:

SB19-079 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 21, strike lines 23 through 27.

Strike page 22 and substitute:

"SECTION 16. In Colorado Revised Statutes, 12-30-109, amend as relocated by House Bill 19-1172 (2) as follows:

12-30-109. Prescribing opioids - limitations - definition - repeal. (2) An opioid prescriber licensed pursuant to article 220, 240, 255, 275, or 315 of this title may prescribe opioids electronically.

SECTION 17. In Colorado Revised Statutes, 12-30-109, amend as relocated by House Bill 19-1172 (2) as follows:

12-30-109. Prescribing opioids - limitations - definition - repeal. (2) An opioid prescriber licensed pursuant to article 220, 240, 255, 275, or 315 of this title may prescribe opioids electronically.

SECTION 18. In Colorado Revised Statutes, add to article 30 of title 12 as relocated by House Bill 19-1172 12-30-111 as follows:

12-30-111. Electronic prescribing of controlled substances - exceptions - rules - definitions. (1) (a) Except as provided in subsection (1)(b) of this section, on and after July 1, 2021, a prescriber shall prescribe a controlled substance, as defined in section 18-18-102 (5), that is included in schedule II, III, or IV pursuant to part 2 of article 18 of title 18, only by electronic prescription transmitted to a pharmacy unless:

(I) At the time of issuing the prescription, electronic
PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
FAILURE;

   (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
   IS LOCATED OUTSIDE OF THIS STATE;

   (III) THE PRESCRIBER IS DISPENSING THE CONTROLLED SUBSTANCE
   TO THE PATIENT;

   (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
   SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
   FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR
   1311;

   (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG
   ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE
   PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ELEMENTS THAT
   CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

   (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
   ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

   (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
   DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
   COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

   (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

   (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PRESCRIBER
   TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

   (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
   A RESEARCH PROTOCOL;

   (VIII) THE PRESCRIBER WRITES TWENTY-FOUR OR FEWER
   PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

   (IX) THE PRESCRIBER IS PRESCRIBING A CONTROLLED SUBSTANCE
   TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE
   FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
   ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
   THE DEPARTMENT OF CORRECTIONS;

   (X) THE PRESCRIBER REASONABLY DETERMINES THAT THE PATIENT
   WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
   ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
   ADVERSELY AFFECT THE PATIENT’S MEDICAL CONDITION; OR

   (XI) THE PRESCRIBER DEMONSTRATES ECONOMIC HARDSHIP IN
   ACCORDANCE WITH RULES ADOPTED BY THE REGULATOR PURSUANT TO
   SUBSECTION (2)(b) OF THIS SECTION.

   (b) A PRESCRIBER WHO IS A LICENSED DENTIST OR WHO IS
   PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING
   OF ONLY ONE PRESCRIBER SHALL COMPLY WITH THIS SUBSECTION (1) ON
AND AFTER JULY 1, 2023.

(2) THE REGULATOR FOR EACH PRESCRIBER SUBJECT TO THIS SECTION SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR A PRESCRIBER TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE REGULATOR TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD MUST NOT EXCEED ONE YEAR, AND

(III) A PROCESS FOR A PRESCRIBER TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE PRESCRIBER'S CONTINUING NEED FOR THE EXCEPTION.

(3) (a) THIS SECTION DOES NOT:

(I) CREATE A PRIVATE RIGHT OF ACTION;

(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

(III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

(4) AS USED IN THIS SECTION:

(a) "PRESCRIBER" MEANS:

(I) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE 12;

(II) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12;

(III) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112;

(IV) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF THIS TITLE 12; OR

(V) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS TITLE 12.

(b) "RURAL AREA" MEANS A COUNTY LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT EITHER:

(I) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
CENSUS BUREAU; OR

(II) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

SECTION 19. In Colorado Revised Statutes, amend as relocated by House Bill 19-1172 12-220-119 as follows:

12-220-119. Renewal of dental and dental hygienist licenses - fees - questionnaire. (1) Licenses issued pursuant to this article 220 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license expires is subject to the penalties provided in this article 220 or section 12-20-202 (1).

(2) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A DENTIST WHO APPLIES FOR LICENSE RENEWAL TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE DENTIST TO INDICATE WHETHER THE DENTIST HAS COMPLIED WITH SECTION 12-30-111. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-220-130.

SECTION 20. In Colorado Revised Statutes, 12-220-130, amend as relocated by House Bill 19-1172 (1)(nn) and (1)(oo); and add (1)(pp) as follows:

12-220-130. Grounds for disciplinary action - definition. (1) The board may take disciplinary action against an applicant or licensee in accordance with sections 12-20-404 and 12-220-131 for any of the following causes:

(nn) Failing to comply with section 12-220-128 regarding the placement of interim therapeutic restorations; or

(oo) Failing to comply with section 12-220-129 regarding the application of silver diamine fluoride; or

(pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE QUESTIONNAIRE REQUIRED BY SECTION 12-220-119 (2).

SECTION 21. In Colorado Revised Statutes, 12-240-130, amend as relocated by House Bill 19-1172 (2) as follows:

12-240-130. Procedure - registration - fees. (2) The board shall design a questionnaire to accompany the renewal form for the purpose of determining whether a licensee has acted in violation of this article 240 or been disciplined for any action that might be considered a violation of this article 240 or might make the licensee unfit to practice medicine with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the
questionnaire accurately, the failure shall constitute unprofessional conduct under section 12-240-121 (1)(t).

SECTION 22. In Colorado Revised Statutes, 12-255-110, amend as relocated by House Bill 19-1172 (3) as follows:

12-255-110. Requirements for professional nurse licensure.
(3) The board shall design a questionnaire to be sent to all licensees who apply for license renewal. Each applicant for license renewal shall complete the board-designed questionnaire. The purpose of the questionnaire is to determine whether a licensee has acted in violation of this article 255 or been disciplined for any action that might be considered a violation of this article 255 or might make the licensee unfit to practice nursing with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the questionnaire accurately, the failure shall constitute grounds for discipline under section 12-255-120 (1)(v). The board may include the cost of developing and reviewing the questionnaire in the fee paid under subsection (1)(d) of this section. The board may refuse an application for license renewal that does not accompany an accurately completed questionnaire.

SECTION 23. In Colorado Revised Statutes, 12-275-115, amend as relocated by House Bill 19-1172 (2) as follows:

12-275-115. License renewal - questionnaire - continuing education. (2) The board shall establish a questionnaire to accompany the renewal form. The BOARD SHALL DESIGN THE questionnaire shall be designed to determine if the licensee has acted in violation of or has been disciplined for actions that might be considered as violations of this article 275 or that might make the licensee unfit to practice optometry with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. Failure of the applicant to answer the questionnaire accurately shall be considered unprofessional conduct as specified in section 12-275-120.

SECTION 24. In Colorado Revised Statutes, 12-280-123, amend as relocated by House Bill 19-1172 (1) as follows:

12-280-123. Prescription required - exception - dispensing opiate antagonists. (1)(a) Except as provided in section 18-18-414 and subsections (2) and (3) of this section, an order is required prior to dispensing any prescription drug. Orders shall be readily retrievable within the appropriate statute of limitations.

(b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED
SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A
PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED
PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED
ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE
APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF
CONTROLLED SUBSTANCES UNDER SECTION 12-30-111 AND MAY DISPENSE
THE CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR
FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND
CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

SECTION 25. In Colorado Revised Statutes, 12-290-119, amend
as relocated by House Bill 19-1172 (2) as follows:

12-290-119. Renewal of license - continuing education -
professional development program - rules - renewal questionnaire.
(2) The board shall establish a questionnaire to accompany the renewal
form. The BOARD SHALL DESIGN THE questionnaire shall be designed to
determine if the licensee has acted in violation of, or has been disciplined
for actions that might be construed as violations of, this article 290 or that
may make the licensee unfit to practice podiatry with reasonable care and
safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION
REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION
12-30-111. The failure of an applicant to answer the questionnaire
accurately shall constitute
shall constitute unprofessional conduct pursuant
to section 12-290-108.

SECTION 26. Act subject to petition - effective date.
(1) Except as otherwise provided in subsection (2) of this section, this act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.
(2) Sections 16 through 25 of this act take effect only if House
Bill 19-1172 becomes law, in which case:
(a) Sections 18 and 21 through 25 take effect October 1, 2019;
(b) Section 16 takes effect July 1, 2021; and
(c) Sections 17, 19, and 20 take effect July 1, 2023.

Strike "STANDARD" and substitute "STANDARD AND 21 CFR 1311" on:
Page 3, line 5; page 6, line 17; page 10, line 5; page 14, line 7; and page 18, line 10.

After "ADMINISTRATION" insert "OR DRUG ENFORCEMENT ADMINISTRATION" on: Page 3, line 6; page 6, line 18; page 10, line 6; page 14, line 8; and page 18, line 11.